

features of claim 1. Regardless of whether the material used in Sunuhara is ceramic or polymer, the resistor layers 12 and 14 inherently must have different aspects to their material composition because the teachings of Sunuhara necessarily require one having a high thermistor constant and the other having a low thermistor constant for the purpose of resistance value adjustment. Contrary to the apparent misreading of claim 1 evinced in the present Office Action, Sunuhara is different from claim 1 because claim 1 requires a first and second PTC elements to include a same composition.

Additionally, with respect to the combination of Sunuhara with either Niihara or McGuire, the references, either combined or separately do not teach or suggest the substrates separated from one another. The Office Action asserts that this contention is not correct based on the assertion that the electrode 30b "appears to be between the two substrates 28b and 28c" or that because 28b is another substrate, substrates 28a and 28c are separate. With respect to the first contention, although the electrode 30b is located between the substrates 28b and 28c for a portion, these substrates nonetheless physically contact each other as may be seen at the right side of Fig. 1. The Office Action appears to evince a misunderstanding of the entirety of substrate 28b, which is located on both the left and right sides of resistor 12. With respect to the latter contention (i.e., that because 28b is another substrate, substrates 28a and 28c are separate), this contention is inconsistent with the rejection, which appears to expediently equate substrates 28a and b as a first substrate and then the combination of 28c with the same substrate 28b as the second substrate. Moreover, none of the substrates 28a-e are actually separate from one another. That is, there is a continuity of contact between these substrates since substrate 28a touches 28b as seen on the left hand side of Fig. 1; substrate 28b touches 28c as seen on the right hand side of Fig. 1; substrate 28c touches substrate 28d also on the right hand side of Fig. 1; and substrate 28d touches 28e as seen on the left hand side of Fig. 1. Apparently, the interpretation of this figure presumed by the Patent Office is that the substrates 28b and 28d are disjointed and lack continuity. Such interpretation, however, is not consistent with the knowledge in the art. Furthermore, if these substrates were indeed separate, most likely they would have been denoted with separate reference numbers. Accordingly, the Applicants submit that in actuality, Sunuhara cannot disclose the elements of claim 1 because the PTC element 12, for example, would not contact either of the substrates 28a or 28c that are ostensibly separate. Accordingly, the Applicants respectfully submit that claim 1 is patentable over Sunuhara in view of Niihara or McGuire.

With respect to Japanese Kokai JP 9-199302, this reference also does not teach all of the claimed elements for which it is relied upon. In particular, first and second supporting substrates are not taught by this reference. Instead, the reference teaches only one substrate (substrate 1). The protective layer 7 cannot be equated to the claimed second supporting substrate. Rather, layer 7 is specifically taught to be an insulating epoxy-based resin. Such layers having this construction are not the equivalent of a substrate and, furthermore, epoxy resin is not sufficient as a supporting layer. In contrast, the second substrate in claim 1 is specifically claimed as a supporting substrate, which serves to ensure rigidity and support of the claimed surface-mountable electrical circuit protection device. Quite simply, the epoxy resin layer 7 is not, nor could it be, adequate to serve the purpose of being a supporting substrate. Moreover, the combination of this reference with either Niihara or McGuire does not cure this deficiency and, thus, the Applicant respectfully submits that claim 1 is further patentable over JP 9-199302 in view of Niihara or McGuire.

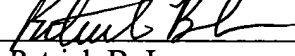
With respect to independent claims 2-5, 7-8, and 10-15 these claims are submitted to be allowable at least by virtue of their dependency, either direct or indirect, upon independent claim 1.

The Office Action indicates that claims 16, 18-32, and 38-42 have been allowed.

In light of the foregoing comments, the Applicants submit that claims 1-5, 7, 8, 10-16, 18-32, and 38-42 are allowable over the prior art of record. Accordingly, the Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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